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10 Attorneys for Plaintiff  
11 United States of America

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14 IN THE UNITED STATES DISTRICT COURT  
15  
16 EASTERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,  
18  
19 Plaintiff,  
20  
21 v.  
22 STEFAN W. KIRKEBY,  
23  
24 Defendant.

25 CASE NO. 1:22-CR-00228-JLT-SKO  
26  
27 STIPULATION TO CONTINUE MOTION  
28 HEARING; ORDER  
DATE: June 3, 2024  
TIME: 9:00 a.m.  
COURT: Hon. Jennifer L. Thurston

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28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for hearing of defendant's motion on June 3, 2024.  
32 2. By this stipulation, defendant and government now move to continue the motion hearing  
33 until August 12, 2024.  
34 3. The parties agree and stipulate, and request that the Court find the following:  
35 a) The defendant has entered a plea in this matter and has filed a motion seeking to  
36 withdraw his plea. Defendant is pending sentencing.  
37 b) Counsel for government needs additional time to consider defendant's counter  
38 proposal and prepare the response to the motion.  
39 c) Counsel for defendant does not object to the requested continuance of the motion

1 in this matter.

2 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
3 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
4 must commence.

5 IT IS SO STIPULATED.

6 Dated: June 3, 2024

PHILLIP A. TALBERT  
United States Attorney

8 /s/ LAUREL J. MONTOYA  
9 LAUREL J. MONTOYA  
Assistant United States Attorney

11 Dated: June 3, 2024

12 /s/ ANTHONY P. CAPOZZI  
13 ANTHONY P. CAPOZZI  
Counsel for Defendant  
14 STEFAN W. KIRKEBY

#### FINDINGS AND ORDER

15 IT IS SO FOUND that the ends of justice are served by requested continuance.

16 IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best  
17 interest of the public and the defendant in a speedy trial.

18 IT IS ORDERED that the motion hearing set for June 3, 2024 is continued to August 12, 2024.

20 IT IS SO ORDERED.

21 Dated: June 3, 2024

  
UNITED STATES DISTRICT JUDGE